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09/727,099	11/29/2000	Andrew Albert Messina	10541/16	6805

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EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/727,099	<b>Applicant(s)</b> MESSINA ET AL.	
	<b>Examiner</b> Edan Orgad	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-28,30-50,62,64-66,71,72,74-76 and 79-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-50,64-66,71,72,74-76,79 and 80 is/are allowed.
- 6) ☒ Claim(s) 26-28,30-42,62 and 81-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 4/18/05, with respect to claims 26-28, 30-50, 62, 64-66, 71, 72, 74-76, 79-84 have been fully considered and are persuasive. The final office action dated 1/18/05 has been withdrawn.

Furthermore, applicant's arguments with respect to claims 26-28, 30-42, 62, and 81-84 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-28, 30-42 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton et al (Clayton, US Patent 6,725,022) in view of Fan et al (US 5,959,577).

Regarding claim 30, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures land 3 and column 10, lines 55 -65); an information source connected to said ground station (Figures land 3 and column 10, lines 55 -65 and column 7, lines 13 -18 and column 12, lines 8 -14)., a satellite in communication with said ground station (Figures land 3 and column 10, lines 55 -65)., a vehicle comprising a telematics interface device (Figure 2 and column 9, lines 1 -29); a satellite-air interface that provides communication between said satellite and said telematics device (Figures 1 and 3 and column 10,

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lines 55 -65); and wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite (Figures land 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Clayton does not specifically teach of wherein said receiver has a unique alpha-numeric name associated therewith (though does teach of cellular network access for example column 10, lines 57 -62). In a related art dealing with the accessing of cellular networks, Fan teaches of wherein said receiver has a unique alpha-numeric name associated therewith (column 3, line 47-column 4, line 26 & column 6, lines 6-39). It would have been obvious to one skilled in the art at the time of invention to have included into Clayton's vehicular communications device, Fan's pseudo number, for the purposes of validly accessing a cellular network to obtain service, as taught by Fan.

Regarding claim 26, Clayton teaches of wherein said information source comprises a web site (column 6, lines 63-67 and column 6, lines 26-30).

Regarding claim 27, Clayton teaches of wherein said information source comprises a profile database (column 12, lines 8 -14).

Regarding claim 28, Clayton teaches of wherein said information source comprises recorded music (column 6, lines 44 -54).

Regarding claims 31 Clayton teaches of further comprising a transformation system to support varying hardware platforms (Figure 2 and column 12, lines 4 1 -62).

Regarding claims 32 Clayton teaches of further comprising a second interface that allows communication between said back channel and said information source (Figures land 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

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Regarding claim 33, Clayton teaches of wherein said second interface is a terrestrial-air interface. (Figures 1 and 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Regarding claim 34, Clayton teaches of wherein said second interface is a satellite-air interface. (Figures 1 and 3 and column 10, lines 55 -65 and column 11, lines 21 -39).

Regarding claims 35, Clayton teaches of wherein said telematics interface device further comprises a receiver device partitioning system that is connected with said receiver (Figure 2 and column 8, lines 30 -67) and receives digital data from said receiver and extracts telematics-specific data from said digital data (Figure 2 and column 8, lines 30 -67 and column 10, lines 25-36).

Regarding claims 36, Clayton teaches of wherein said receiver device partitioning system comprises a data channel decoder that conducts channel decoding of said digital data (Figure 2 and column 8, lines 30 -67 and column 10, lines 25 -36 and column 9, lines 14 -29).

Regarding claims 37, Clayton teaches of wherein said receiver device partitioning system comprises a data service decoder that converts said digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 -29 and column 10, lines 26 -36 and column 11, lines 21 -49).

Regarding claims 38, Clayton teaches of wherein said receiver device positioning system comprises a data service decoder that converts said decoded digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 -29 and column 10, lines 26 -36 and column 11, lines 21 -49).

Regarding claim 39, Clayton teaches of wherein said telematics interface device provides audio sound based on said communication between said satellite and said telematics device (column 10, lines 59 -65).

Regarding claims 40, Clayton teaches of wherein said telematics interface device comprises a button that when depressed allows the purchase of an item (column 11, lines 25 -39).

Regarding claims 41, Clayton teaches of wherein said telematics interface device comprises a button that when depressed indicates a like or dislike of an item (column 11, lines 25 – 39).

Regarding claims 42, Clayton teaches of wherein said telematics interface device comprises a global positioning system for determining the location of said vehicle (column 11, lines 25 – 32 and column 8, lines 11 -15).

Regarding claim 62, Clayton as modified by Fan teach said receiver uses said unique alpha-numeric name to check if a user of said receiver is a subscriber (see Fan, column 6, lines 19-33).

Claims 81-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton Clayton et al (US 6,725,022) in view of Brock (US 2002/0072955).

Regarding claim 81, Clayton teaches a two-way satellite digital audio radio system comprising: a ground station (column 10, lines 55-65); an information source connected to said ground station (column 10, lines 55-65, column 7, lines 13-18); a satellite in communication with said ground station (column 10, lines 55-65); a vehicle comprising a telematics interface device (column 9, lines 1-29); a satellite-air interface that provides communication between said

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satellite and said telematics device (column 10, lines 55-65); wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite (column 10, lines 55-65 and column 11, lines 21-39).

Clayton further discloses said telematics interface device comprises a button that when depressed explicitly indicates a BUY button (column 11, lines 25-39)

However, Clayton fails to specifically disclose said button explicitly indicates a dislike of an item.

However, the idea of using a like or dislike button is well known in the art as is shown Brock (see ¶ 0009).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add or change Clayton's buy button to indicate a dislike of an item as taught by Brock in order to provide a qualitative ratings means to further enhance Clayton's telematics system.

Regarding claim 82, Clayton teaches of wherein said information source comprises a web site (column 6, lines 63-67 and column 6, lines 26-30).

Regarding claim 83, Clayton teaches of wherein said information source comprises a profile database (column 12, lines 8 -14).

Regarding claim 84, Clayton teaches of wherein said information source comprises recorded music (column 6, lines 44 -54).

***Allowable Subject Matter***

Claims 43-50, 64-66, 71, 72, 74-76, 79 and 80 are allowed.

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The following is an examiner's statement of reasons for allowance:

Regarding claims 43, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures land 3 and column 10, lines 55 -65) and information source means for providing information connected to said ground station (Figures land 3 and column 10, lines 55 -65 and column 7, lines 13 -18 and column 12, lines 8 -14) and a satellite in communication with said ground station (Figures 1 and 3 and column 10, lines 55 - 65). However, as stated by applicant, claim 43 is clearly in the form of a means-plus-function element, where the telematics interface means' covers the telematics interface device 210 described in Applicants' specification and equivalents thereof pursuant to 35 U.S.C. 112, sixth paragraph. As shown in FIG. 3 of Applicants' Specification, the telematics interface device 210 includes a receiver device partitioning system 212 with data channel and data service decoders 226 and 228. Therefore, neither Clayton alone or in combination with other cited prior art disclose a receiving device partitioning system with data channel and data service decoders.

Regarding claims 71 and 79, the prior art of record fails to specifically disclose a receiver device partitioning system that includes a data channel decoder that conducts channel decoding of the digital data and a data service decoder that converts the digital data to a format that is functionally usable for the telematics interface device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**EDAN ORGAD**  
**PATENT EXAMINER/TELECOMM.**

EO 6/16/08